Solomon and *Abiathar*:

OR, THE

CASE

OF THE

Deprived BISHOPS and CLERGY,

DISCUSSED.

IMPRIMATUR.

Carolus Alſton R. P. D. Hen. Epiſc. Lond. à Sacris Domeſticis.

Junii 6. 1692.

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Deprived BISHOPS and CLERGY

DISCUSSED,

BETWEEN

EUCHERES a Conformiſt,

AND

DYSCHERES a Recuſant.

En quò Diſcordia! ——

LONDON,

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THE PREFACE.

Good Reader,

I *Am a Man diſtreſſed at the preſent Change of* Biſhops, *that have looked on the Fate of the Deprived Fathers as an Eclipſe to the Church, a Reproach to the Nation, and an Inſtance of dangerous Conſequences. I have had hard Thoughts of* Them *that accepted their* Sees, *the* Chapters *that Elected, and the* Biſhops *that Conſecrated them, without any Remonſtrance or Interceſſion for the Ejected; and have prepared my ſelf to loſe all, rather than to acknowledge the Superinduced. Yet fearing, on the other hand, leſt I ſhould, through an ungarded Zeal, be too Cenſorious upon the Conſciences of many Admirable Men concurring hereunto, I reſolved to diſcuſs the Cauſe to my utmoſt, according to the beſt Notices I could Remember or Collect; the which are here digeſted into a Dialogue, in which I have ſet forth the Arguments of moſt weight (that occur to me) to the fulleſt Advantage of either ſide, according to the Senſe of the oppoſite Parties. In which, where either Dialogiſt remains unanſwered, there I my ſelf*

ſelf am at a fault, and know not how to make a ſatisfactory Reply to my own Conſcience. This is therefore to beg the Learned World, to ſuccour me in theſe Defects: And becauſe the Deprived have not the Privilege of the Preſs, if they on their Part will give in their Corrections or Informations to my Editor, I ſhall receive the Favour with all Gratitude, and do promiſe them all juſt Secrecy. The Deſign being Firſt to be enabled and inſtructed hereby what to do, to quiet my own Conſcience, which is dearer to me than all worldly Intereſts; and Secondly to provoke the Learned to offer ſuch Diſcourſes hereupon to the Publick, as may ſettle others, that are under the ſame Diſſatisfactions with my ſelf.

Solomon

Solomon and *Abiathar*:

OR, THE

CASE of the Deprived BISHOPS and CLERGY, Diſcuſſed, between *Eucheres* a Conformiſt, and *Dyſcheres* a Recuſant.

Eucher. BRother *Dyiſcheres*, I have undertaken this Viſit on purpoſe to invite you next *Wedneſday* to a ſmall Treat, where you will meet with ſeveral your eſpecial Friends, among whom I promiſe you a very hearty Welcome.

Dyſcher. I am very ſorry that I cannot anſwer ſo kind an Invitation, that Day being our Faſt-day, on which we that are ejected as Offenders, with our conſtant Adherents, do Solemnly humble our ſelves before God, to reverſe his Diſpleaſure, provoked by the Deplorable Diſloyalty and Schiſm of the Nation, in rejecting the true King, and the ſincere Biſhops and Clergy, for their bounden Conſcience and Loyalty. 'Tis ſurely, Brother, a time for Sackcloth and Aſhes, and not for Diverſions, ſince the Glory is departed from *Iſrael*, and the Light of God's Countenance is gone from us.

Eucher. I do as heartily bewail all the Evils that have happened in this Nation, on occaſion of this great Revolution; but when we conſider, that in the midſt of Mens Impieties, the Goodneſs of God hath not been ceſſant, but (as his way uſually is) out of the Evils of Men hath produced a moſt eminent Good in the Redemption of his own People, and Faithful Children, and this endangered Church, from the Inundations of Popery and Bondage; the Innocent, as they are to deplore the National Impieties, ſo are ſtill obliged

to

to sing the Songs of *Sion* in this yet happy Land, for that God hath not forsaken, but visited his People with a great Salvation, in not leading us into Temptation, but delivering us from the Evil. And it is to you a greater Infelicity than your Deprivations, that you have not concurred with us in these sacred Blessings, Joys, and Exultations.

Dyscher. As if the present State were not worse than a deluge of Popery! For then the Church would have saved her Integrity, tho' not her Ease. Now the Daughter of *Sion* is become an Harlot; the generality of her Children apostate, and unchurched; and the Faith and Communion is with the few, who have rather chosen to suffer Affliction as the People of God, than to dwell in the Tents of unrighteousness.

Eucher. Zeal is an excellent Flame of Spirit, while it is under Rule and Moderation, but otherwise there is no Wildfire more raging. And such a kind of Fury it is to charge our Submission to the present Constitution, to be an Excommunication, *ipso facto*, even before it can be proved to be a Sin. For admitting it to be a Sin, yea a crying Sin, yet every such Sin doth not *ipso facto* unchurch single Persons, or publick Societies; most certainly they do not, if the Principles of Doctrine, or Opinion, whence these Sins receive encouragement, do not destroy the Churches Fundamentals, or Structure; which our Conformity certainly doth not: But an authentick Act must pass in order to a state of actual Expulsion. Nay, we assert the Church of *Rome* still to be a Church, notwithstanding her great Breaches made upon the Beauty of Holiness; nor do we unchurch the *Eastern* Churches, notwithstanding their great Disorders and Confusions. And can this Change in our Church parallel the Corruptions of these, who having no Judge but God, do yet remain Churches in all their Pollutions?

Dyscher. Admitting then that you are not actually unchurched for want of an Ecclesiastical Judge, yet if your Apostasie merit it, so that good Men may not maintain any Religious Communion with you, without danger of encouraging you, or defiling themselves, or offending other Mens Consciences; this is enough to justifie our Secession. For hereupon we brake off from the Communion, as well as Sove-

Sovereignty, of the *Roman* Church, tho' in her we own the Eſſentials of a Church.

Eucber. Tho' our Church juſtly and abſolutely rejects the *Roman* Monarchy, yet ſhe will not refuſe any lawful Communion or Correſpondence with it in any good Eccleſiaſtical Negotiations conſiſtent with Integrity, ſaving ſtill a publick Remonſtrance to all her Pollutions. So you ſhould communicate with us in all that is Lawful, eſpecially ſince 'tis poſſible, and by you fairly ſuppoſable, that (if we do amiſs) we do ſo through Simplicity, and want of Underſtanding, which you might eaſier heal by Accommodation, than by a ſevere Rupture and Separation.

Dyſcber. We carefully obſerved this Method, while you only conformed to the preſent Temporal Powers, but did not Eject your Fathers and Brethren from their Stations in the Church; but now you have broken the very Eſſential Bonds of Eccleſiaſtical Communion, and begun the Schiſm, in admitting Intruders into the Room of them, who were ejected only for practiſing the Doctrines of the Church.

Eucber. If their Ejection be only for Adhering to the Doctrines of this Church, or the Laws of God, I will allow you, that they are perſecuted, by the Church as well as the State: But this will require a very clear proof, ere we can be juſtly charged with ſo great an Impiety.

Dyſcber. This Church hath ever Taught us to preſerve an untainted Loyalty to our lawful Sovereigns, which with us come in by Inheritance; and accordingly our Oath of Allegiance binds us to the King, his Heirs, and [Lawful] Succeſſors; and this Obligation ceaſeth not, till Death, or Reſignation diſſolves it: Neither of which happened in this Revolution.

Eucber. If by Reſignation you mean a formal voluntary Act and Deed, paſſing away the Title Royal, then I deny that Death only, and Reſignation, vacate our Allegiance; for many Publick Authorities are void by mere Ceſſion, and Deſertion; which is indeed in Law equivalent to a Reſignation. And ſuch a Ceſſion here hapned, which the Eſtates in Convention judged a Virtual Abdication of the Sovereignty; and of this (being a Point of Law) they were to us at that time, and in that juncture, the moſt Competent, Authentick, and Final Judges; which we are the more

to submit to, since the Kingdom hath ratified their Proceedings in a second Parliament. And though K. *James* abroad condemns them, yet that is no Argument either that they were unjust, or inauthoritative. 'Tis granted that this Church preaches up an indispensable Loyalty to the Sovereign, during the Tenure of his Sovereignty; but when a King is fled from his Throne into Foreign Dominions, or doth not exert any Royal Power or Presence to his People, the Estates of this Land are the Supreme Domestick Judges upon the Tenure of the Sovereignty; which is not to make them Judges of the King's Person, but in the want of his Person, of the State of the Kingdom, and the Rights of the Nation, in order to Settlement. Nor is it a just Exception, to deny the Authority by which they sate; for by what Authority was that Free Parliament called, or sate, that voted in King *Charles* the Second? 'Tis prodigious Peevishness to require a King's Presence, or Commission, when he is gone, and hath left all in Anarchy. In such Confusion, howsoever they come together, they are the Supremest Council of the Land. And yet by the Practice of all Nations, and the Reasons of Peace and Settlement, the Estates of any Nation, being invited by a victorious and unresisted Power, may come together and Treat with him that thus calls them, tho' he hath no antecedent Authority (strictly taken) to call them. So that the Churches Loyalty is to follow the Civil Judgment, concerning the Object of our Loyalty, and the Tenure of Sovereignty.

Dyscher. Supposing them then, in a state of Confusion, proper Judges of the Tenure of Sovereignty, which they determined abdicated by K. *James*; yet how could they pervert the Hereditary Law, and Rule of Succession, that is Fundamental to this Crown?

Eucher. I answer hereunto, That the general and ordinary Rule of Succession to this Crown is Hereditary, and in this we are very happy against the dangerous Consequences of ambitious Competitions: But in extraordinary Interruptions, and Convulsions of State, against the ordinary Course, our Laws and Constitutions do allow the Estates such a King as can actually be had for the time being, till the ordinary Rule can be fairly recovered; and in this also we are equally Happy, if we would but know or see it.

This

This in Fact is evident from all the Hiſtory of our Succeſſion. The Heirs Lineal have ſubmitted to it; the many Acts of Parliament, yet in force, made by Extra-lineal Kings, and the concurrent Judgment of our greateſt Lawyers, under Hereditary Kings, even ſince the Reformation, without any Remonſtrance of this Church, or any Hereditary King, are an Authentick Demonſtration hereof; and Biſhop *Overal*'s Convocation-Book comes up to it. And my Opinion is, That in the late Oath of Allegiance, the word [Succeſſors] was added after [Heirs] on this very ſelf-ſame ground, That tho' Heirs, by the ordinary courſe, are the Legal Succeſſors, yet others legally may ſucceed in caſes extraordinary; for I will not be ſo bold as to ſay, That the Oath required Allegiance to unlawful Succeſſors. And the non-obſervance hereof hath been the occaſion of ſo many Paradoxes or Abſurdities in Diſcourſes upon this Point.

Dyſcher. What! Can he be Legal that thruſts out the Legal King, or Legal Succeſſor?

Eucher. One King by a Legal War may thruſt out him that, till he was thruſt out, was Legal King of his own People: For the firſt offending Prince loſes not his Sovereignty to the offended merely by the offence, till actually thruſt out by the offended. And even an unjuſt Potentate, tho' he cannot, according to Legal Juſtice, out a King againſt whom he hath no legal Cauſe or Right of War; yet if he doth do ſo, and the Subject-People cannot help it, and he enforce himſelf upon the People for a New King; our Laws in this concur with the Laws and Practice of all Nations, in allowing our Eſtates to determine for us in ſuch Exigences, as is manifeſt in the long Contentions, and many Turns between the Houſes of *York* and *Lancaſter*; and the Sin ſhall lie only on the Injurious, and not on them that ſubmitted to an inevitable Fate of things. And yet in our caſe, upon the Ceſſion of K. *James*, the Hereditary Succeſſion was not violently broken, but altered by conſent of the next Heirs antecedent to the P. of *Orange*; which ſhews, that the two next Heirs judged that their Father had effectually deſerted the Crown, and were content, for the Preſervation of the Nation againſt the Power of *France*, to admit before them a Prince of the Blood, whoſe great Intereſt abroad, and whoſe perſonal Abilities of Conduct in Counſels, and War,

might be a Wall of Defence, as well to the true Royal Heirs, as to the Religion, Rights, and Liberties of the People. Upon all which put together, I think we are bound by the old Laws, and Oath of Allegiance to the King, his Heirs, and Successors, to pay Allegiance to K. *William* and Q. *Mary*; and that 'tis a breach of those Laws and Oath to deny it them.

Dyscher. But suppose the Violence done to the rejected Prince be in it self essentially unjust, and unnatural, and contrary to the Moral and Eternal Laws of God and Righteousness; can humane Compacts ratifie a wrong, and justifie, or confirm what is essentially injurious? And must even the Priests of the most High God consecrate and confirm such Rapes by Oath, and Religious Sponsions?

Eucher. What would you inferr from hence?

Dyscher. Perhaps the deprived Bishops and Clergy, considering the Relation Their present Majesties stand in to K. *James*, and the Subjection due from all Natives in this Kingdom, as well in as out of Parliament, may think this a Breach of the Moral Laws of God, and not to be confirmed by their Oath.

Eucher. Then first I answer, The Internal Immorality of all Actions must be carefully distinguished from the Civil Consequences of them. Now the Iniquity is not to be justified, but the Legal Consequences may be admitted, even upon Oath. Wars, and Victories are many times unjust, yet they that suffer the Injury, lawfully submit to the unlawful and injurious Demand of Submission; as in Piracies, and other like Tyrannies. A Son by fraudulent Arts gets judgment in Law, and seizes his Fathers Estate and Body by Execution, and starves his Father in Prison. This Man's Immorality is damnable; yet the Judges, Sheriffs, and the other Officers are innocent, because their Offices are not concerned in the Natural Relations, or Duties, but only in what is of Civil Importance, and Cognisance. A Lord of a Mannor (to which adheres a Court Baron) is unjustly outed in Law by his Son, to the certain knowledge of several Reversioners. These, when the Estates revert to them, must be sworn to the Homage and Fealty of the Lord that is in by Law: Must these Men refuse Homage, and lose their Estates; or may they swear it to the actual Land-Lord,

Lord, who is viſibly Legal, though not honeſtly Rightful? I for my Part muſt determine for the Swearing, ſince all Lords and Tenants muſt be admitted for ſuch, that are in by the Law, though at the ſame time Men are to deteſt the turpitude and baſeneſs of the Recovery. And in ſuch Caſes, the ejected Lord never blames the Tenants for Perjury. Upon which clear Reſolution in the General, I will deſcend to the Particular before us; and ſuggeſt that Men ſhould be very careful of judging others, eſpecially Supream Powers, and much more how they act upon ſuch private Judgment, to the endangering the Peace of humane Societies. Which I offer, not that Their Majeſties Cauſe needs ſuch a Shade, but to oppoſe the Command of Chriſt againſt Men's nimble Cenſoriouſneſs. And indeed here it would be an hard Task, from the Fifth Commandment, to Charge K. *William* with ſubjection to K. *James*, either upon his being his Nephew, or Son-in-law, were I willing to urge, or be urged upon that invidious Point. And the Princeſs of *Orange* was in Duty bound to follow her Husband's Fortune, Order, and Authority; even againſt the Will of her Father, and this with a more plenary Conſent, if ſhe judged her Husband's Cauſe to be juſt, ſhe violating no Decencies, due by the Fifth Commandment to her Father, which are conſiſtent with her Husband's Rights, and Intereſts, and in her rightful Power to perform. As for the inner Motions and Counſels of Their Majeſties Minds, they are not of Human, much leſs of Civil Cogniſance, and 'tis fit for us to leave them to their proper Judge, that is, God. Tho' if the King's Deſign be what his Actions apparently tend to, to ſpend himſelf for the Delivery of Nations from Tyranny and Bondage, againſt all the Enemies of humane Liberties and Peace, he is certainly the greateſt, and moſt deſirable, and will be by God's Bleſſing, the moſt Honourable and Glorious Prince, that perhaps ever aroſe ſince the Days of *Conſtantine* the *Great*: I am ſure we feel the Bleſſings of his Care, for which many of us ungratefully traduce him. And ſo much for that. All that we are concerned in for our ſelves is, not whether in Moral Juſtice they might deſire or accept this Crown, but whether this Nation might, under its then Exigences, yield it them; or whether it being yielded them by the Publick Act of this Nation,

Nation, private Subjects may not, or ought not to acquiesce in this Settlement, and give assurance thereof by Oath, or otherwise; for if we might have thus yielded in those Straits to an unrelated Prince, we may as well to the related; because the Personal Relation affects not otherwise our Civils, the Settlement of which we must admit, if not as we could wish, yet as things will bear. And I ask you, whether in good earnest you think no Settlement must be admitted, under Powers procured by breach of God's Commandments?

Dyscher. What if I should say, No?

Eucher. Then I will say, few, or no Changes of Government must be submitted to in the whole World; which Persuasion, as it is opposite, perhaps, to the First Introduction of Armed Powers, so it must afterward assert them *de jure* unchangeable. Since there is never any such Change without the Breach of many Divine and Moral Precepts. Killing, Robbery, Deceit, Covetousness, false Accusations, Lyes, Pretences, Subornations, Perjuries, Treasons, *&c.* are the usual Methods, and Introductories to such Changes. And yet when Settled, all Ages, Heathen and Christian, abide by them. By our Laws, though the next Heir to the Crown kill the King, (though his Natural Parent) he shall not be barred the Succession by Inheritance, though by all moral Equity, and supposable Intentions of Royal Parents (were there no positive Constitution herein) he should be disinherited.

Dyscher. But in such Cases, the King would be Dead, and all his Rights and Titles with him, and the Heir without Competitour. But in our Case 'tis, and 'twas far otherwise, the King being alive, and pursuing the Recovery of his own Dominions.

Eucher. Then it is not the Breach of God's Commandments that incapacitates the Prince of this Crown, but the Life and Contention of K. *James*. But if his Tenure be extinct, as it hath been publickly judged by this Nation, our Oath to him ceases, though he contends never so much for the Recovery.

Dyscher. But this new Oath obliges me to act unjustly against K. *James*'s Recovery, whereas the whole World knows this Crown to be his in Right.

Eucher. That it was his, the World knows; but the World

World is not ſo knowing that it is his, neither from the Moral Juſtice, nor Civil Forms of Law. The Queſtion of Juſtice depends upon the firſt Originals, Proceſs, and Iſſues of the War; and of this there is no Authentick Judge but God between the Two Princes; though as to us, this Nation hath juſtified K. *William*'s Cauſe, which is to conclude upon us; and as to the Forms of Law, K. *William* is now legally Inveſted. I do not ſay theſe things bind K. *James* from endeavouring a Reſtitution, as being without the Power of them, never in Law ſubject to them; but they bind us to defend our ſelves and our preſent Governours under this Settlement, with the Suffrage of the greateſt Laws of God, Reaſon and Nations.

Dyſcher. But this Oath of Allegiance ſeems to imply an Aſſertion of Right to this Crown in K. *William* and Q. *Mary*, ſince Allegiance follows the Right, and this you will yield to be a tender Point to be ſworn to.

Eucher. But, Firſt, it is certain, that this Oath expreſſes no Form of Affirmation concerning Right, but is purely promiſſory of Allegiance to the Sovereigns actually Regnant. And it is certain, that the Eſtates in Parliament, impoſing it, intended no more to be ſworn, ſince they rejected the Motions made for an Aſſertion of Right. And though that, and the enſuing Parliament, judged their Admiſſion of K. *William* and Q. *Mary*, to be in their Lawful Right, *rebus ſic ſtantibus*, yet they bound not us to ſwear ſo; but only upon Oath, to promiſe that Allegiance due by our Laws to Kings, thus actually admitted; which I here Remark, that you may not here Object the Intention of the Impoſer, to make us ſwear what they judged to be Right. And here alſo I muſt further advertiſe you, that the Courts Aſſigned to Adminiſter this Oath, being the Authentick Interpreters thereof, and the Impoſers Intention, never gave an Interpretation Affirmative of Right (that I ever heard of) when conſulted hereupon; but on the contrary, I am very well aſſured, that ſeveral Courts have given, and admitted ſuch Sences, as the moſt tender Recuſant might have ſworn to, and in which Men as Loyal as themſelves concurred.

Dyſcher. The Laws and Judgments of Men many times permit, and require Iniquity, and the Prevarication of Courts

Courts, in the admitting Sences not intended in the Oath, on purpose to elude it, is a mere mockery of God, Humane Powers, and Mens Consciences.

Eucher. Whether Courts prevaricate in their Judgments, or no, private Persons cannot judge to any Civil Effect or Obligation; and so what they determine must be taken for Law, till Condemned by a Superiour Court, or nulled by the Legislative. And as to their inward Sincerity, God alone is to be their Judge. But supposing the Courts may warp the Design of the Oath, and the Law, on purpose to ease tender Consciences, what prevarication is there in these tender Consciences, that Religiously took care to have an innocent Sence Authoritatively admitted, on which, and no other, they would take the Oath?

Dyscher. This was a colour pretended only to save their Estates; for if they took the Oath really, they took it in the Sence of the Imposer, and not the feigned Intention, but if they did not take the Oath at all, then is the State beguiled by a Pretence, which is not agreeable to a Christian, much less to Priestly Sincerity.

Eucher. If these Men had made Reservations in the Oath they took, Insincerity might have been justly chargeable on them; but if they demanded of the Court the Imposers Sence, and the Court gave an Innocent one; and they declared they took it in that Sence so given in Form of Law, and no other, they certainly did not prevaricate with the State; nay, it had been a Prevarication to have taken it in any other Sence, than what the Court had given. And if they really took not the Oath as the Parliament intended, they took it as directed by Their Majesty's Judges, and could take it no otherwise; and if Their Majesties by Their Courts declared their Sence in the passing the Act for the Oath in favour to all innocent and tender Consciences, I hope it was no Insincerity to accept that Lenity, and Ease, and at once to save their Stations, and their Consciences, and the Publick Peace of Church and State.

Dyscher. But what if a Man be perswaded of the Impiety of this whole Revolution, and thinks that the Vengeance of God will fall upon the Nation hereupon, can he in Piety swear himself a Party to those Sins, on which he expects God's dreadful Judgments?

Eucher.

Eucher. If Men's Minds be entangled in wrong Notions, they can act well no way, neither with, nor againſt their Perſwaſions. But then ſuch Men's Infirmities, how pitiable ſoever, muſt not obſtruct Publick Conſtitutions. Now if ſuch Perſwaſions be well grounded, there muſt be a Publick Rule of Conſcience to juſtifie them. And here I demand, what Law of God manifeſtly makes it a Sin, to comport with Civil Powers, ſettled according to the Forms and Laws of Nations, though many Immoralities have led the way, and Preparations to ſuch Settlements? They, that act ſinfully, to introduce ſuch new Powers, have Cauſe to expect God's heavy Diſpleaſure: but they that contribute no evil to the Change, but ſubmit to it, when publickly ſettled, are perhaps one ſort of the Meek, that ſhall inherit the Earth, in yielding that active Obedience, which St. *Paul* requires to the Powers or Authorities in being; and St. *Peter* to the Humane Conſtitution. And therefore were there no other crying Sins of the Nation, this peaceable yielding to Humane Conſtitutions needs not be dreaded. So little ground is there for thoſe your Superſtitious Jealouſies.

The ἀνθρωπίνη κτίσις, 1 *Pet.* 2. 13. Denotes the Acts of Settlement to be of Humane Law, Right, and Forms, though the Authority of the Perſons thus Settled or Conſtituted be Divine: And 'tis very harſh to underſtand it for Mankind.

Dyſcher. 'Tis eaſie for Sophiſtry to put fair Gloſſes upon foul Matters; but if K. *James* ever return, theſe Recuſants will be able to make a better Plea for their Cauſe, than you will for yours. And though they may be Perſecuted again for their Religion; yet can they not ſuffer as Traitors, and Evil-doers. And herein they comfort themſelves, though they are for Conſcience ſake killed all the day long, and are counted as Sheep appointed to be ſlain. But you! What will you ſay, when it ſhall be demanded of you, by what Authority you tranſferred your Allegiance without his Will? When it ſhall be objected, That you were ſworn to him, not the Eſtates of this Realm; and he, not they, had the only Right of diſpoſing your Allegiance?

Eucher. Upon ſuch a Turn as you mention, I grant you good Anſwers may have no Reception; for Swords and Guns have no Ears: But yet a good Anſwer may be given, to wit, That we had his Authentick Grant for ſo doing.

Dyscher. That is strange.

Eucher. Did not K. *James*, in his Declaration for Indulgence, Dispense with the Oaths of Allegiance and Supremacy to all his Subjects?

Dyscher. That was an ineffectual and null Act in it self, as being contrary to Law.

Eucher. Must the Law then be the Rule of Civil Actions both in King and People?

Dyscher. It must so.

Eucher. Was K. *James*'s Coronation Oath a Legal Act?

Dyscher. It was so.

Eucher. Then by that he swore to assert unto this People their Laws, Rights, and Liberties. Which Laws and Liberties do assign our Allegiance to the King for the time being, though extralineal. And if the Lineal Heir may hang me as a Traitor for breach of that Allegiance to an extralineal King, by which himself was a while excluded; whether this Law be equal, or no, (though I believe it is very equal) yet it is equal that the Subject should not be hanged for observing that Law, by the same Prince, who may by the Law hang him for not observing it. And they that venture so much upon their Integrity to K. *James*, if they break the Laws of Allegiance to K. *William*, may be hanged by K. *James* as Traytors, when he returns, according to Law. A fine colour for Papists to dispatch those Protestants, that by their being intowered, blasted all their fine Projects upon our Liberties and Religion.

Dysch. But will not this inferr Subjection due to O. C? was he not settled much more absolutely, and strongly than K. *William*? And yet we see upon the return of K. *Charles* the Second, all his Laws pronounced null, and all his Adherents liable to Punishment, and needing a Pardon. And those Church-men were in the right, who refused the Engagement, though by your new Doctrines, they resisted the Ordinance of God in O. C. to their own Damnation.

Eucher. To which I Reply, First, That his Acts had no Legal Validity according to our Laws, because he was not King, and no Allegiance by those Laws was due to him. Nor yet had he any Legal Form of Settlement, according to the general Rules of Civil Laws. For meer Possession by force of Arms is no Legal Establishment in a Throne by

by those Laws, till it acquire a federal Admission and Homage in a Nation, either virtually by long Prescription of Publick Accordance, or formally by an immediate and publick Act of Submission by the Estates, or Representatives of a Nation. Now as *O. C.* wanted the Plea of Prescription, so neither could, or did he pretend a National Contract, as having no Lord's House, nor free House of Commons. On the Sence of which Defect, he so earnestly, but vainly, struggled by Art and Force to compass it. So that all the Power of *O. C.* acquired no Form of Right, or Legal Settlement; and consequently the Laws of Allegiance to the Royal Heir, were still in force and obliging; to which *O. C.* himself was by Law and Oath Subject; and being so, could not be Sovereign at the same time. Upon which occasion I cannot but highly commend that Notion of Compact, (which you so frankly scout) in that it gives us Lawful Right to Repell Tyrants and Intruders, though it cannot palliate Treasons against lawfully settled Princes. And for the further recommendation hereof, I could particularly shew, that it was the Form of Settlement in all the Kings of God's own People, admitted by God at their importunity, according to the then way and manner of the Nations: But this is a Digression, and so I forbear to say more upon it.

Dyscher. Well! Admitting these your Arguments to be true, and with you sufficiently perswasive to Conformity, what Inference do you hereupon draw against the Recusants, who have other Notions to them convincing, on which they build their Practice?

Eucher. First, I inferr, that there is no ground for Recusancy; and Secondly, much less for Separation from us; and our Publick Assemblies, from which we do not exclude you; and Lastly, That the Church is not guilty of Sin, in admitting new Bishops and Ministers into the Places of the Deprived, considering the Authorities, Causes and Consequences of things, and the Temper, with which the Church submits to this Ecclesiastical Change.

Dyscher. The Grounds of Recusancy to us seem real, and yours nothing but Shade and Varnish: But Secondly, admitting them to be true, yet not being obviously, but intricately so, they who cannot arrive to a Conviction by

them, are certainly bound not to joyn in those Prayers, which recommend those unto God for Sovereigns, whom we judge not such, against him who is our Sovereign, but ranked among the Number of K. *W*'s. and Q. *M*'s. Enemies.

Eucher. But how comes this Change about? The Prayers for K. *William* and Q. *Mary* were consented to by all the Recusant Bishops, and by them (for their Officers without any Prohibition) sent to the Clergy of every Diocess, and by them generally received. The Bishops were present at them, directed their Clergy upon Consultation to use them. And thus things stood till the day of their Suspension. No blowing the Publick Trumpet against Perjury; no denunciation of *Anathema* against these Prayers; but a general calm and candid Concession, in that disputable Case to every Conscience, to act upon its own best Light. How then comes it to pass, that we are all of a sudden Perjured, and Apostate, and yet have no Publick Instrument, or Means of Conversion or Conviction. For against this 'tis unworthy to object the danger of Persecution. When the Souls of Men, and the Churches Integrity are concerned, there the Watchman ought not to wink, there the Men of God ought not to be silent, but first loudly forewarn, and after as loudly labour to reverse the Evil. This is the more Rational, in that we do not seem *sine ratione insanire*, but have very momentous and weighty Reasons for our Conformity, which will excuse from wilful Perjury, and which are not refuted; though where our Apologists happen to trip, they are animadverted on with all uncharitable severity. And as to the danger of Praying against K. *James*, 'tis certain the Prayers express him not; and if you Rank him among the Number of K. *William*'s Enemies, you may best know that, but we do not so; for an Enemy is one that designeth to injure a Man; and we are not sure K. *James* doth so design against K. *William*; and yet if he doth, 'tis Lawful to Pray that K. *William* may therein vanquish, and overcome him; that is, defeat him in that injurious Design; for no more can be intended in these Prayers, for we Pray for no Man's, no King's Destruction, or Hurt, but for all Christian King's, and Governours, even those against whom we Wage open War.

Dyscher.

Dyſcher. But in the Service of the 29th of *May* there is a Prayer that voweth Allegiance to Their Majeſties K. *William* and Q. *Mary*, and how can we upon our Principles be preſent at that Prayer?

Eucher. Then forbear to be preſent at it, tho' I have been by a good Author aſſured, That the Recuſant Biſhops did not at firſt ſtick at that, but that ſome gave Directions and Conſent to the uſe of it; and alſo, before their Suſpenſion, deputed Perſons to Adminiſter the Oath in the Execution of the Authorities, and Offices Epiſcopal thus deputed; which muſt argue, that they did not think that Miniſtery unlawful, or (which God forbid us in the leaſt to ſuſpect) that themſelves were not ſincere.

Dyſcher. You muſt allow Men to retract their Errors.

Eucher. And expect the Reaſons of ſuch Change, and not inſtead thereof an inexorable Cenſure upon us, for no other Actions than what themſelves deliberately and long countenanced and authoriſed; and in which we can yet ſee no harm, left by condemning us to Penitence, they put themſelves into the ſame Crime, and under the ſame Expiation.

Dyſcher. But, to come to the main, how do you acquit your ſelves from Schiſm, in rejecting your Fathers and Brethren, driven by the State from their Stations in the Church, for mere Conſcience ſake? For admitting them to be in Error, the Error is in Points of Law, and the Obligations of Statutes, and the Oaths enacted by them, in which the Judgments of Lawyers vary with the turns of State. Have they done any poſitive Injury? Have they violated their Innocency, or ſtained the Sanctity of their Order, that they ſhould be caſt out as Reprobate? Is Error, in entangled Laws, Hereſie; and fear of Perjury, and the appearance of Evil, Infidelity? Such Judgment, I truſt, will not paſs upon them in the Day when God ſhall gather and bind up his Jewels.

Eucher. The Temper, with which the Church admits this, is Mild and Compaſſionate, and concurrs not without reluctancy, and great ſorrow, and ſo is not in that reſpect Schiſmatical. Nor doth the Church judge their Conſciences towards God, but with great deference, and Charity hopes and thinks the beſt; which moderation I wiſh you could

could imitate under your present state. But this, I confess, we think your Principles in their Practical Consequences (considering the inflamable Tempers of Men) as resented by the State, to be dangerous, not only in respect of Trouble, but of Sin, even Schism, and Sedition, both in Church, and State, by the breaking of the one against the other. Which Dangers, when the State presses the Church to remove, by exauctorating the Patrons of those dangerous Principles and Practices, how can the Church, that thinks this Demand of the State just, and rational, and necessary to be yielded to, deny the Demand? For, in cases of danger from Mens Principles, the Church hath ever been wont to judge; not upon Mens Personal Morals only, or chiefly, but the Soundness and Tendency of the Persuasions. In which whatsoever is contrary to sound Judgment and Unity must be condemned, and the Fautors exauctorated, how Innocent soever their Personal Morals be. For even some Mens Principles may be too rigorously Pious, and have no other Fault, and yet in such the Church discards the non-returning Patrons of them, when they grow up into a Flame. The Montanistical, Novatian, Meletian, Donatist, and Luciferian Rigours (not to mention several others) beguiled many Pious Men out of their Order, and out of the Church: Her Prudence always taking Care to impose no Snare nor Yoke upon Mens Consciences, above what the Equity of the Divine Laws requires. And sure I am, that your Maxims of Loyalty are such as the State of Mankind admits not of, and are repugnant to all Civil Compositures; and therefore dissonant to the Laws of Christianity. I will not here digress into Particulars; but supposing our Church, that conforms, thus to judge of your Principles, can you think she ought to assert you, in publick Conduct of Mens Consciences, to the Dissolution of our Peace against the Command of the Sovereign Powers, that are the Guardians of it? The publick Judgment regards the Tendencies and Consequences of Mens avowed Opinions, and promotes, permits, or inhibits their Course according as it sees them useful, tolerable, or dangerous in the Publick Weal; and particular Persons must be content to be bounded in their Actions and Authorities by these Rules and Measures, or else farewell all publick Order and Peace.

Peace. For ſuppoſing, for once, that all Recuſant Biſhops and Clergy had been freely left to their own ſeveral Sences, Prayers, and Sermons in this preſent State, ſome would have prayed, and preached up K. *James*, others K. *William*, others neither. Divers Pariſhes, divers Prayers, divers Sovereigns; in the ſame Churches ſome would oppoſe, and ſome applaud the Miniſter with all manner of Tumults and Diſorders. And, even in thoſe Liturgies, where no King were named, the Prayers would be contrary under one common Equivocation; Biſhop againſt Biſhop, Clergy againſt Clergy, Prayers againſt Prayers, Sermons againſt Sermons, and People againſt People in the Publick Acts and Duties of Religion. And hence muſt follow a total breach of Sacred Union, which would ſpeedily paſs into a Civil Sedition. So neceſſary it is to ſet Rules of Uniformity, which thoſe that will not ſtand to, may (if not muſt) juſtly be exauctorated.

Dyſcher. Why then, it ſeems, you think our Deprivations not only Lawful, but Neceſſary to avoid Schiſm; which we all the while charge upon you?

Eucher. Hold a little! I do not give you my own Judgment, nor yet ſimply the Sence of the Church upon the Matter antecedent to, and abſtracted from the Will of the State. But this is the Sence of the Church, That ſince the State, to avoid the above-mentioned Confuſions, decrees the Recuſants to be deprived, She, that thinks the Deprivation ſimply Lawful, doth, upon Demand of the Civil Powers, think it neceſſary; for that the Church muſt yield to the State all juſt Security to Publick Peace and Order; which cannot be, if ſhe aſſert Men in Authority, whoſe Principles muſt deſtroy it.

Dyſcher. But what will you think, at loweſt, equal, if the State had not exacted Deprivation?

Eucher. That's no great matter what I think, yet between you and me I will draw out my Soul to you. Firſt, I ſhould have thought it rational, that all Recuſants ſhould promiſe upon Oath not to diſturb the State by Word or Deed, but to abide by the Laws and Adminiſtrations of the Government. Secondly, That they would Cenſure no Man for Conformity. Thirdly, That by themſelves, or others, they ſhould execute the Offices of their Function according

to

to the present Laws, as most of the suspended Clergy did by their Curates and Bishops, before the Day of Suspension, by their Deputies. And, upon voluntary Breach hereof, to be deprived by an Ecclesiastical Judgment, authorized by Law. For Order, Peace, and Uniformity there must be in all, especially Religious Societies; and they that will not secure it, must be exauctorated, and not be permitted a Publick Power or Advantage to promote any kind of Confusion.

Dyscher. Well! But admitting the Recusancy to inferr an Incapacity in the Circumstances, and under the Restrictions that press the Church, yet they are condemned by an incompetent Lay-Power, in a Spiritual and Hierarchical Censure; to which, if we submit as Right, or Regular, we then give up all to Erastianism, and a Bishop shall be but an Ecclesiastical Justice, and a Priest a Church-Constable. To prevent which we are to stick to our Principles, that the Judicial Power of Civil Authority is of Secular Vertue and Operation only; but that the Spiritual Censures are not from the Swords of Princes, but Apostolick Descent and Original.

Eucher. What sort of Censure do you hold Deprivation to be?

Dyscher. As to the Essentials of it consisting in a Divorce, and Excision of the Priests Relation, Care, and Offices to the Souls of the People, 'tis purely a Spiritual Censure, inherent only in Ecclesiastical Judicatories.

Eucher. But you cannot forget, that the Church is incorporated into the State, from which it derives all its Temporalities; which are so intwisted with the Spiritual Functions, by Mutual Constitution and Concord of Church and State, that they cannot be separated. Now hereupon the State may judge in such Matters, which appertain to it in the Church, having never quitted that Power to the Church only.

Dyscher. 'Tis true, the Church Offices are thus concorporated with several Secular External Concomitants; but the Accessory is to follow, not to lead the Principal; and 'tis a bad Incorporation wherein the Body must Enslave, and not be Subordinate to the Soul. I hope the Church in this Accord did not act prophanely, like *Esau*, sell her Birthright for a Dish of Pottage; her Spirituals to a Foreign Power

Power for a few Secular Trifles. Rather therefore let the State reſume her own, and leave the Church to her own lovely Simplicity, than uſurp upon the Inheritance of our Lord.

Eucher. Will you deny all Lay-Perſons a Right in all Spirituals?

Dyſcher. In all Spiritual Authorities.

Eucher. Pleaſe you to define the Act of a Spiritual Deprivation.

Dyſcher. Deprivation is the Effectual and Total Separation of a Spiritual Perſon from his Charge, ſo as to make way for the Introduction of another.

Eucher. Is the Intereſt only of the Prieſts concerned in the Spiritual Charge, or are the Souls of the People alſo intereſted in the Relation?

Dyſcher. No doubt the Intereſt, as well as the Relation is Mutual.

Eucher. Are there any Cauſes which may diſſolve this Relation, and vacate the Charge?

Dyſcher. Yes; all Flagitious and Peſtilential Sins, as Apoſtaſie, Hereſie, Schiſm, &c.

Eucher. Upon whom muſt the Puniſhment of Separation fall?

Dyſcher. Upon the Guilty.

Eucher. Who muſt Execute it?

Dyſcher. The Eccleſiaſtical Judge.

Eucher. But what if he be the Perſon Guilty?

Dyſcher. Then is he to be deprived by his Superiors.

Eucher. What if he hath none?

Dyſcher. Then by a Synod.

Eucher. What if the Synod is to be called by him, or are confederate with him?

Dyſcher. Then muſt they be left to God.

Eucher. But may not the Clergy and People, in the mean time, Separate from his Authority, and his Communion, if he from the Chair recommend, or enforce his Corruptions? or muſt they be bound to be humbly preſent at all his prophane Miniſteries?

Dyſcher. I yield they may go off: But who ſhall judge upon the Cauſe?

Eucher. If there be no other Superior Judge, then God is to be appealed to; and in the mean time they must have a judgment of Conscience and Discretion for themselves, what to do in such incorrigible Disorders.

Dyscher. Right enough! But this judgment of Conscience is not a judgment of Authority, which is necessary to a total Separation, Deprivation, and Vacancy.

Eucher. Is it Cause enough to Separate, and to complain to other untainted and Social Bishops of co-ordinate Churches, for Relief against the Spiritual Impostor?

Dyscher. I must grant that, since this is the Original way of detecting, and bringing Heretical Bishops to Ecclesiastical Order, or Censure; as is evident from the most Ancient Church-Histories.

Eucher. What Relief can Social Bishops, or Co-ordinate Churches give in this case?

Dyscher. If they cannot Reform, they may Condemn and Expel the Impostor.

Eucher. Have Social Bishops, and Co-ordinate Churches any Jurisdiction over each other?

Dyscher. What if they have not?

Eucher. Then their Sentence is not of Authority, but only Conscience and Discretion, and of no more Validity than that of the abused Laity and Clergy.

Dyscher. Well! How do you determine herein?

Eucher. I judge, that the People by judgment of Conscience for their own Salvation, and the Churches Peace, may Separate from an Imposturous Bishop, and address to other Social Bishops to consecrate them another, which they by the like judgment of Conscience, without proper Jurisdiction, may do upon the Notoriety and Incorrigibleness of the Evil. And this was very often and constantly done in the Primitive Ages; and asserted for Right and Just by the *African* Bishops, in the Cases of the two Churches of *Asturica* and *Emerita*, in their Epistle extant, the 68 among St. *Cyprian*'s Epistles, concerning the Expulsion of *Basilides* and *Martialis*. For the Church is a great Body, whose Health subsists by cutting off all putrid Members; in which all the Members are unanimously to contribute: And if they, that ordinarily should thus remove the Contagion, will not, they, that can, may, for the common Preservation

ſervation of themſelves and the whole Body. I grant you, indeed, that a proper Act of Spiritual Juriſdiction, as the Power of the Keys, Ordination, Degradation, belongs only to the Eccleſiaſtical Governors, and are incommunicable to the Laity: But it appears, that the Separation or Rejection of a Biſhop, may, on juſt Reaſons, be Legally executed by thoſe, that have no Juriſdiction; and the Rectitude, or Obliquity of ſuch Separations is to be judged, not upon the Point of Authority, but of Merit. In all *Scythia* there was but one Biſhop: Now, ſuppoſing him an open Heretick or Idolater, who ſhould deprive him? Might not the People renounce him, and ſend to other Chriſtian Provinces to conſecrate, or ſend them another? And might not the Prince juſtly eject him, and require his People to concurr in it for a new Succeſſor?

Dyſcher. But 'tis not the People, as a Church, in our Caſe do thus reject their Paſtors for Irregularity, but the Deprivation is an Act of Civil State as ſuch; ſo that theſe Inſtances and Allegations of yours come not up to us. For they acted as Chriſtians in the Right of Souls and Churches; this is an Act of the Civil Power as ſuch, and that for the pretended Security of Civil Intereſts. Now what Right hath the Temporal Sword to act in Spirituals, and Matters purely Chriſtian and Religious?

Eucher. Do not you remember, that our Church aſcribes ſuch a Power to our Kings in Eccleſiaſticals, as of Right appertained to, and was uſed by godly Kings of God's own People, recorded in Holy Scripture? Which teacheth us that, as *David* inſtituted Holy Offices in the Choir, not required by the Law of *Moſes*, ſo *Solomon* deprived *Abiathar* of the High Prieſthood, upon a provocation merely in Civils.

Dyſcher. To this I have many things to reply, but I will only touch thoſe that are moſt pertinent to our Caſe. Firſt, That the whole Inſtitution of the *Levitical* Law was not of a Spiritual, but Carnal Sanctity, yielded them by God, ſomewhat in oppoſition, and ſomewhat in conformity to the *Ægyptian*, or other Foreign Religions; among whom the Prieſthood had been long ſubjected to, and perhaps firſt inſtituted by the Scepter. And herein the Supreme Judgments in Civils upon the Law, and Oracular

Resonses on Consultation about Peace, War, and Temporal Actions, and Successes, were Essential to the Authority of the Pontificate. And yet we find this High Priest not subject to any Ordinary Power, till Kings were also given this People after the manner of the Nations; among whom the Mitre was subject to the Crown. All which, put together, makes *Abiathar*'s Deprivation by a Temporal Power under that Constitution, Legal: But from the beginning it was not so. Then there were Priests, who, till the Flood, had the Government of the World without any Civil or Military Power; and that Priesthood was in all its Intentions Spiritual. So that when our Saviour came not only to Restore, but even to Refine upon the Primitive Rules, he restored the Priesthood from Vassalage, and founded his Hierarchy not in Princes, but Apostles; not in armed, but in unarmed Powers.

Secondly, King *Solomon* did not properly and judicially deprive *Abiathar* of the High Priesthood, but only commanded, or required him to quit it on pain of death. For thus the words run, 1 *Kings* 2. 26. *And unto Abiathar the priest said the king, Get thee to thy fields at Anathoth, for thou art a man of death: But this day I will not put thee to death, because,* &c. Verse 27. *And Solomon thrust out Abiathar from being priest unto the Lord.* The LXXII render the 26 Verse thus; *Get thee to Anathoth to thy field, for thou art a man of death in this very day, but I will not put thee to death,* &c. *A man of death*, our Translation renders, *worthy of death*; but the LXXII render the words not so much significative of Merit, as a menace according to such a Paraphrase: *Get off to Anathoth to thy field, (for [else] thou art a man of death this very day) and I will not put thee to death.* So that *Abiathar* here was put to his Option, whether he would with dishonour retire from his Office, or suffer Death; this latter being in the Rightful Power of the King, if *Abiathar* would not yield in the former. So that *Abiathar*'s Priesthood determined by his own voluntary Cession, not the King's Ecclesiastical Censure.

Thirdly, *Abiathar* was not guilty of meer harmless and inseparable Errour, as our ejected Bishops and Clergy (if in an Errour) must in Justice and Charity be supposed to be; but of wilful, active, and actual Rebellion, against God, and

and *David*, both which had before engaged and fixed the Succession in *Solomon*, and so he could have no Plea or Excuse of Errour, or Mistake: for which Cause he silently submits to his Fate without Apology.

Eucher. But did not K. *Solomon* substitute *Zadok* in his stead, who was not the Lineal Successour in the Line of *Abiathar*? And was not this as Spiritual and Ecclesiastical an Act as possibly could be ministred in that Church, to which the King's Substituting Bishops in the room of the Deprived seems Parallel?

Dyscher. When a Bishoprick is Legally Vacant, we admit the King's Right of Nominating a Successour; but we look upon his Deprivations to be Nullities, and you have not proved *Abiathar* out by merely such a Deprivation. But however, neither is *Zadok*'s Case Parallel; who after *Abiathar*'s Cession came in, in Right of his own Inheritance, not the King's Donation. For you must Note, that *Zadok* was the Primate of the House of *Eleazar*, in whose Line was the Legal Seat, and Original Right of the Pontificate; but *Abiathar* was of the Line of *Ithamar*, and he and his Progenitors had come into the High-Priesthood, contrary to the first Fundamental Rule and Law of Succession. Now when *Abiathar* quitted the High-Priesthood, he quitted it for himself and his Posterity, who had no Claim thereto Originally Legal; whence it reverted of course to the House of *Eleazar*, and therein to *Zadok*, without any Title from the King.

Eucher. But from hence I infer, that not only in Times of Subjection to Heathen Powers, but even before they had any Kings in *Israel*, the Legal and Ecclesiastical Rule of Succession to that Pontificate had been broken, and another Constitution fixed, without any Schism in the Submission of the People. For thus *Eli* and his Posterity, though of the House of *Ithamar*, enjoyed it against all the House of *Eleazar*, to whose Primate however, by the Law, it did belong. And hence I Argue, That though Bishops be unduly put into the Place of others, unduly deprived, the People incur no Schism by submission to the Intruder.

Dyscher. I beg your Pardon, Brother *Eucheres*, in this Point, since that Rule of Succession was capable of exception

tion in Cases of Uncleanness, Defect, or other Irregularities. And further, God, that made that Rule, was not himself bound by it, but had still a reserved Liberty and Authority of altering it: And further, This Rule, did in all probability, permit a voluntary Cession or Resignation; so far at least, that thereupon the Pontificate might change its Subject, though the Resignation, or Cession, were a Sin of Profaneness. Now some one of these Causes did most probably intervene to the change from *Eleazar*'s Line to *Ithamar*'s; and from 1 *Sam.* 2. 30. it should be founded in God's Determination. But hence it follows not, that a Secular Power can pervert a Divine Rule, and Ratifie an opposite Constitution. What was done in the Age of the *Maccabees*, and afterward by Secular Powers, against the Legal Succession of the Pontificate, as sometimes it might be excused for want of the Lineal Heirs or Genealogies; and sometimes Condemned for Bribery and Usurpation, was yet admitted and ratified, on the *post* Fact by God; in giving those Intruders the Spirit of Prophecy, *Joh.* 11. 51. But this cannot argue for a Validity, if the Lineal Heir had been known, present and capable, and the Intruder not confirmed by God, the Founder of that Dignity. And I must further Remark, that these Intrusions, though thus admitted by God, were Signs of a broken Church and State, hastning to its last Dissolution, and so no just Precedent for the Christian Church to follow, which is to continue to the End of the World, except we must yield to Methods of Violation, that lead to our Extinction.

Eucher. Since then you are so hard to be moved by Scripture Instances, what think you of the Appeal, which *Constantine* admitted from the Party of *Donatus*, against *Cecilian*, after several Ecclesiastical Judgments, to which he added his own final Sentence?

Dyscher. But surely *Constantine* did not admit this Appeal, with a Design to pass a Spiritual Censure himself on the Offenders, but to Establish Justice in Peace, by methods properly Imperial, if he should find the past Acts Ecclesiastical insufficient thereunto. And to pre-occupate you, the same I say of *Athanasius* his Appeal to the same Emperor, from the Council of *Tyre*: For *Athanasius*, in Matters of Faith,

Faith, expreſly denies Emperors proper Judges; and he has other Side-men with him therein among the Fathers.

Eucher. But in that Council *Athanaſius* was Condemned, not for Faith, but for pretended Immoralities; and in theſe Diſcuſſions, all Wiſe Men may be made Judges, and Civil Powers are fit to be made ſuch, or rather are ſuch, in the Right of their Civil Station; and this *Athanaſius* muſt plainly own in this Appeal.

Dyſcher. But this doth not hit the Point; nor doth it inferr, that *Athanaſius* believed the Emperour, being yet unbaptized, could himſelf either paſs, or reſcind a Spiritual Cenſure, and that effectually; but he did thus Appeal, either that the Emperour might puniſh the Offenders Imperially, or call a greater and more equal Synod for a Rehearing, which afterward was obtained at *Sardica*.

Eucher. But if the Temporal Powers, merely as ſuch, cannot directly paſs an Eccleſiaſtical or Spiritual Cenſure; yet all the neceſſary Externals to Sacred Offices, as Time, and Place, *&c.* are in their diſpoſal; ſo that they may take away our Churches, Maintenance, Leiſure, Liberty, and Place for Publick Aſſemblies, which amounts to all the Effects of a Judicial Deprivation; and this perhaps is the only Power claimed by our Kings in this, and other like Acts for Deprivation or Suſpenſion.

Dyſcher. This indeed by actual Force they may do; but this doth not diſſolve our Relation to the old, nor inferr a Title to a New Biſhop, which is the Point before us. Nor can they juſtly deny thoſe Externals to the Church, though they may to thoſe that offend againſt her, on a juſt preſumption of the Churches conſent, or her expreſs Petition thereunto. And this was the Sence of St. *Athanaſius*, when he denied *Conſtantius* a Church for *Arians* in *Alexandria*; and of St. *Ambroſe*, when he and his Flock kept their Churches at *Milan*, againſt the Commands and Terrours of the Emperour *Valentinian*, Junior, on the behalf of the *Arians*; and of St. *Chryſoſtom*, when he at *Conſtantinople* denied the Emperour *Arcadius* a Church, for *Gainas* his *Arian* General. And even in Places not Conſecrated, Place, Time, and Air, and Liberty to do good, are the Primitive, Fundamental, and undeniable Rights of the Innocent: Elſe the Chriſtians had ſinned, in uſing theſe for Chriſtian Worſhip

Worship against the Laws Imperial. So that as yet you can fix no Spiritual Powers in Secular States, that can extinguish a Christian Man's Christian Graces, Rights and Orders.

Eucher. But our Lawyers tell us, that our Kings are mixt Persons, and not mere Laity; and so by a joint Act of Sacred and Civil Authority, may execute Spiritual Censures, as far as their Authority hath a mixture of Spirituals.

Dyscher. The Doctrine of Lawyers is with us no Divinity; and St. *Ambrose* and *Theodosius* the Emperour had other Sences, when the Bishop would not permit the Emperour, being of the Laity, to come within the Chancel, or the Rails of the Altar; and the Emperour acknowledged the Prohibition to be properly Just and Episcopal, and the Rule Ecclesiastical, which he would never more neglect during his Life.

Eucher. But though he is of the Laity, yet being Christian, by virtue of his Christianity, and Civil Sovereignty too, he may have Christian joynly with his Civil Authorities: For as Christian, he may be reputed as Head, and Representative of the whole Christian Laity, whom you grant before at Liberty, to separate from an offensive Bishop, and to procure another from Social Bishops. Or if you will not admit him the alone Representative of the Laity, then you may take in the Lords and Commons, the whole Christian Legislative, into that Number, or Body of Representatives.

Dyscher. This Notion, as specious as it is, will not hold; for then the King and the Legislative must be professed Members of our Churches Communion; but they claim this Right by virtue of the Royalty, and Legislative Power, though the King be not of our Religious Communion. They will stand by all their Acts in or about Ecclesiasticals, though contrary to all the Canons of Ecclesiastical Integrity, or else I will not give Two-pence for the Act of Toleration. And in this Case, before us, they deprive the Bishops on a pretended Title of the Civil Sovereignty, for the just and necessary security thereof; and there is the same Reason for Heathen Monarchs to deprive Christian Bishops on the same Pretensions.

Eucher. I am almost weary with struggling; and for that Cause will admit, that an Act of a State Christian cannot

not alone vacate a Spiritual Charge, by any Divine Law, or Primitive Canon, or Preſcription; yet ſuch an Act received, and admitted by the Church, may from her concurrence have a juſt and legal Effect. And then upon this Notion the Statute of Deprivation *ipſo facto*, muſt be taken for a Law upon the Church, to eject ſuch Recuſants totally from their Stations; and the other Laws for *Conge deſtire*, &c. as Commands on the Church, to admit thoſe the King Recommends to the Sees, which either are, or by the State are reputed Vacant. And then the concurrence of the Church to theſe Laws of the State doth actually, and (upon juſt Cauſes) rightfully exauctorate thoſe, whom the Statute dooms to Deprivation. And to ſay Truth, in all Eccleſiaſticals, 'tis the actual Concurrence of the Church, that gives the Statutes an Eccleſiaſtical Effect and Iſſue, and ſo, though the Original of the Deprivation be Secular, yet the Form is Eccleſiaſtical; and in this the Eſſential Vertue thereof lies, and is properly Spiritual and Chriſtian. Tho' then the Laws require, yet the Chapters, Biſhops, Clergy, and Laity, do thereupon actually reject, and deprive one and admit another Biſhop, *&c.*

Dyſcher. Then neither the Act for Deprivation, nor the Writ of *Conge deſtire* do alone vacate the Sees; and if not, by what Authority can Chapters proceed to Elect, and Biſhops proceed to Conſecrate new ones in the ſtead of the actual Incumbents?

Eucher. Becauſe under all the Obligations and Cauſes herein, the Church ought to empt the Sees of ſuch Incumbents, that are dangerous to the Civil State, by Acts of Separation properly Eccleſiaſtical, and ſo it doth; the Dean and Chapter of the Metropolitical Church taking the Juriſdiction, till the Chapter Elect, and Biſhops Conſecrate another, *&c.*

Dyſcher. Who are the proper Judges of this Duty, to eject a Biſhop at the Command of the State?

Eucher. All Parties preſſed thereunto by the Civil Powers, with a proper Judgment of Conſcience for themſelves and the Church, tho' not of ordinary Juriſdiction over the Biſhop. For when two Powers conteſt, and require my concurrence, I muſt then judge on which ſide Juſtice lies, and to which thereupon Duty binds me; and to that I muſt adhere, and do my Part to hinder the other Party, from oppoſing

poſing that which I am in Duty bound to. And when Chapters and Biſhops thus acting, obtain the conſequent Concurrence and Comprobation of the whole Church; their Acts have as good an Authority from Humane Conſent, as the received Decrees of Councils, whoſe Validity ſtands or falls with the ſubſequent Sence of the Churches in common.

Dyſcher. The ſilence and yielding of the Churches in common, conſequent upon the Violences Men admit, for fear of Perſecution, ſignifies no certain Perſwaſion or Conviction, that the Deprived ſuffer nothing but Juſtice. If our Cauſe had been Condemned in your Convocations, you had brought a more ſpecious Argument, for the Sence and Cenſure of the Church, than this thin Pretence, that carries no Colour nor Shadow of Probability.

Eucher. Even here I will endeavour to ſatisfie you, tho' I ſhall not gratifie you. The General Conformity of moſt Biſhops, Clergy and Laity; our ſending a Convocation at Their Majeſties Precept, ſhews we own Subjection to them, and Condemns the Recuſancy as an Errour, which of what Conſequence it is, every Man, that thinks it Errour, ſees. And the ſilence of the Convocations under this Statute of Deprivation, argues their Opinion to be, that they were in this to yield to the State.

Dyſcher. As if this ſilence was not the reſult of Fear and Treachery, rather than Judgment! for this we charge upon *Liberius*, and the Council of *Ariminum*, when their concurrence with the *Arians* is urged in Defence of *Arianiſm*.

Eucher. Had the Convocation firſt ſtoutly decried the Statute, as *Liberius*, and that Council at firſt did *Arianiſm*, and had upon Menaces, or Experiences of bodily Perſecution retracted their Remonſtrances, then ſuch a forced Compliance might have been cenſurable for Cowardice; but here being nothing of this, but a calm and conſtant quiet under the Procedures of the State, it muſt be reſolved, that the Sence of the Convocation judged it allowable.

Dyſcher. But if the Church ſhall yield, without any Remonſtrance, to ſuch Intruſions of Civil Powers upon the Churches Liberties, Cenſures, and Authorities, then for Cauſe or no Cauſe, we ſhall be liable to Suſpenſions, and Deprivations, according to the Tydes of Humour and Temper in our Legiſlatours, and thus fall under the Arbitra-

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ry Dispofals, which the High-Priesthood of the Jews suffered under Heathen, and the *Greek* Patriarchals now suffers under *Mahumetan* Princes; a Blemish not to be endured by any Church, whatsoever it incurs for the Opposition.

Eucher. You may remember, that I have yielded to you, that the Consent, Publick and Actual Concurrence of the Church, is necessary to give an Ecclesiastical Effect to Civil Ordinances, in Matters of the Church. And so here, the Church is to Judge, whether she may, or must in Duty concurr, or no; and hence a Right essentially belongs to it, to examine all the Causes of the Secular Demands. So that if she finds there are no Grave Reasons, to move the Church to the required Severities, she ought to disobey, as my Lord Bishop of *London* well did, when required to Suspend Dr. *Sharp indictâ causâ:* Nay, so he ought to have done, had the King been *de jure* Arbitrary, and of Despotick Power. Thus if a Prince shall trifle, and require a Bishop to Hawk, Hunt, play at Tables, run Races, *&c.* upon pain of Deprivation, though none of these things be simply Unlawful for Men in General, or for a Bishop to avoid a Persecution; yet upon neglect of such injoyned Follies, no Man will judge a Deprivation Just, nor the neglect a Sin; nor ought the Church to admit Deprivations on such improper and unreasonable Demands. Thus † *Gregory Nazianzen* the Father, in the behalf of the Church of *Cappadocia*, tells *Julian*, That they will stand by the Bishop they had set in the Church of *Cesarea*, whatsoever Law or Violence he should offer to the contrary. And I will grant you, that the Church hath this Right, against the Violence of Christian, as well as Heathen Princes; since 'tis the quality of the Cause, not the Prince, upon which the Church is to Act; Else under the Name of Christian, many Un-Christian Pranks may be obtruded on the Church, to the Reproach and Ruine of Christianity. And whether the Church yields to, or opposes the Laws of the State, justly or unjustly, must not be judged alone from

† *Naz. in Epitaph. Patr.* Ἡμῖς, φησὶν, ὃ κράτιστε πειθοῦς, πίστιν ἧς μεταδεδώκαμεν ἴσχομεν ἕξομεν τοιαύτην ἄνα, καὶ βασιλέα, ἢ τῶν πολεμίων, ἐκεῖνόν τε καὶ τοῦτον τὸν ἐξεταζόμενον χειροτονίαν, ὃν ἂν ἡμῖν μὴ εἴλωμεν αὐτοὶ συνέσεσθαι. Τοῦτ' ἦν ἄλλο μὲ ποιεῖν, ἢ βιαζομένοις καὶ πάνυ βάσιν. Τοῦτο ἡ ἀλλὰ τινὰς ἀφαιρεθέντας, τὸ σωτηρίαν ἐκ ἐρδῆς καὶ δικαίας προσηκόντας, τοῖς προσηκόντας, εἰ μὴ καὶ τοῦτον δείπτε ἢ νόμον, ὃς ἐ δημοσίων ἀφανίσθην εἰς τὸ ἀνίστασθαι.

the Rights of Civil Sovereignty, but upon the Reasons of the Subject Matter, in which the Concurrence of the Church is required. And in our Case the Church judges it Lawful and Rational, for her to admit the present Law of Deprivation, from the Weight and Reasons thereof against the present Recusancy. And our Judgment herein hath greater Foundation than those Concurrences and Acts of the Church, in the High Commissions Ecclesiastical had heretofore in the Suspensions, Deprivations, and such like Ecclesiastical Censures of Bishops and others (in several Reigns of Reformed Princes) that were purely the Executions of a Royal Authority, delegated to the Judges, upon little (many times) and captious Exceptions, relating sometimes to Civils, sometimes to Ecclesiasticals.

Dyscher. But here the chief Delegates, pronouncing Ecclesiastical Censures were generally Bishops, tho' the Assessours were several of them Lay Personages, without whose Vote or Privity nothing was to be done. And this with good Reason, the Causes censurable being many times mixt, and so likewise the Judgments, that is, partly of Civil, partly of Ecclesiastical Importance. But tho' the King's Commission did give them License, as to Place, Matter, Form, and time of Proceeding; yet the Ecclesiastical Censures, had their Ecclesiastical Virtue from the Ecclesiastical Authority of the Ecclesiastical Delegates pronouncing them, as in the Censures of Excommunication is most Evident, this being plainly not of Regal, but Apostolick Authority, and the Power of the Keys, which none of our Reformed Princes would assume to themselves, or delegate to mere Lay-Judges.

Eucher. But what think you of the Deprivation past on the Bishops, *&c.* Recusant to the Royal Supremacy of Queen *Elizabeth*, by Vertue of an Act of Parliament; which by their Lay Power did overbear the Episcopal, and upon whose Order herein standeth our Ecclesiastical Succession from those Bishops, that succeeded in the room of the Deprived?

Dyscher. You must note that these Recusants were guilty of the false Doctrine of the Papal, against the Regal Supremacy: Which false Doctrine had been before Synodically condemned in the Reign of *H.* VIII, and so effectually stood, tho' Q. *Mary* martyred, deprived, and exiled both the Orthodox Bishops and Clergy, for this really, as well as for other

other Orthodoxies. Therefore thoſe deprived by Q. *Eliz.* were either Apoſtate from the Doctrine they had before profeſſed in entrance into their Stations, and ſo were *ipſo facto* irregular, and to be, *de jure Canonico*, deſerted of all; or elſe they came into the rooms of Men unjuſtly deprived, and ſo were Uſurpers; or into Places really vacant; which, for not owning by Oath and Doctrine the Regal Supremacy, they were not capable of, by the ſtill unrepealed Canons of the Church, and ſo were, in truth, not true Biſhops, nor Miniſters of the Places they aſſumed. Well therefore might they deprive them of the Biſhopricks, *&c.* that were in no Canonical Title the true Proprietors. But here ours deprived were all true Proprietors, under no Irregularity, through Apoſtaſie, falſe Doctrine, or uncanonical Deficiencies.

Eucher. You frame new Notions now, not ſtarted, nor conceived then. For, upon your Plea, they ſhould never have ſate in that Parliament, nor have been owned as Biſhops before that Act paſt; but yet ſo they were in all their Titles. And in the Diſputation at *Weſtminſter*, in the beginning of the Queens Reign, the five Popiſh Biſhops were owned with all their Titles by the Lords of the Queen's Privy Council, and by the Proteſtant Diſputants themſelves: Even as *Hooper* alſo owns them for ſuch, and the whole Popiſh Convocation for ſuch, in his *Epiſtle* that he wrote to it in the days of Q. *Mary*. And in that Station they had continued upon their former Inſtallations (except only ſuch, who had offended, or uſurped the Places of Men yet in being, and expecting reſtitution) if they would have taken the Oath of Supremacy. Here therefore the State enacts an Eccleſiaſtical Deprivation; and it is all one, whether you will ſay on a Civil, or Eccleſiaſtical Point; if on a Civil, then the Caſe is the ſame with ours; if Eccleſiaſtical alſo, then that Parliament entred more upon Eccleſiaſtical Matters, and Authorities than this hath done; and yet you condemn not that Parliament as Schiſmatical, nor the Church admitting it Apoſtate: Why then charge you this upon our State and Church now? Here is no doctrinal Point of *Theology*, which the State determines againſt the Right of the Church herein, but only a mere queſtion in Civils, who is my Sovereign to whom my Allegiance is by Law due. Which is a Debate, not for a Synod, but a Parliament; and to whoſe Judgment,

ment, in pure Civils, all Subjects must submit; and the Church, as such, hath nothing to do in the Decision. And Dr. *Hammond*, whom, I suppose, Men of your Principles will not Censure for Schism, or Disloyalty, * justifies Q. *Elizabeth*'s Deprivations for that Recusancy, immediately; *On the Right and Power of the Supreme Magistrate to make Laws for the securing his Government, and to inflict the Punishments prescribed by those Laws on the Disobedient: And for this true Right he thinks all Government is concerned. And concludes there was no Injustice in that Act of the Queen's, which divested those Bishops, who thus refused to secure her Government, or approve their Fidelity to their Lawful Sovereign.*

* Tract. of Schism, c. 7.

Dyscher. The Doctor indeed thus states it; but he sticks to the Lawful Sovereign.

Eucher. Are you obliged to enquire into the Sovereign's Lawful Title?

Dyscher. Yes, surely, in order to just Allegiance.

Eucher. What, as a Christian, or a Subject?

Dyscher. Primarily as a Subject; but, secondly, also as a Christian in a state of Subjection; the Duties of which the Rules of Christianity require me to perform.

Eucher. Very well! For here your Christianity refers your Obedience to the Secular Laws and Constitutions, and gives no Laws or Rules in Civils it self. And, in truth, the Church, as such, is a Stranger, and the State its Hospital, while she is travelling from hence to her Heavenly abodes. Now every Stranger, hospitably received, is obliged to all the Laws of Hospitality on his part; that is, Fidelity, and Unconcernedness in the Oeconomick's and Interests of the Hospital, and all reasonable Defence against Violences offered to the Master, or his Family, &c. and is not obliged to take notice of Titles, and Competitions. So the Church, as such, if Hospitably received by the State, is quitted, as a Stranger, from Curiosities about the Civil Titles. But, as Christians, are Natives, or Denizons, and so Subjects, they are to be determined by the Civil Laws, and Judicatories, and Constitutions; else there must be eternal Seditions, since 'tis not possible in Fact, or Law, that every single Person can have Cognisance, or Unanimity. And here I will ask you one question, relating to us, as a Church; Whether he, that hath unjustly gotten into a full Settlement upon

another

another Prince's Dominions, ought to Succour the Church in thoſe Dominions?

Dyſcher. He ought to quit them.

Eucher. This may be in moſt Caſes, tho' not, perhaps, Univerſally true: But, if he doth not, is he obliged to Succour the Church, during his Government?

Dyſcher. He ſhould, as it ſeems; for I know not how to ſay the contrary.

Eucher. What! Tho' the Church refuſes Subjection, and profeſſeth Hoſtility to him?

Dyſcher. I am not ſo hardy to affirm this.

Eucher. The reſult then is, That if the Imperial Powers be bound to Cheriſh the Church, the Church muſt be obliged to Secure them of her Fidelity: And if particular Members refuſe, they are Enemies to the Church, as well as to the State: And therefore their Deprivation in the Church the more Rational, and perhaps (as to the actual Adminiſtration of the Functions) abſolutely neceſſary.

Dyſcher. Are you at that again?

Eucher. I pray attend, and give Righteous Judgment. The Subjects of *England* owe Allegiance ſomewhere, either to K. *James* or K. *William*, this is certain. They then, that refuſe Allegiance to K. *William*, reſerve it to K. *James*; by which, at his Command, they are to engage in an actual War againſt all Conformiſts as Traytors and Rebels; and this People are to be Taught to do upon pain of Damnation. The Church, in the mean time, hath admitted K. *William*, and given him Allegiance againſt all Hoſtilities. I am not here concerned whether ſide is in the right Allegiance, but ſhall only obſerve, That no Prieſts can well Execute their Eccleſiaſtical Functions to a People, whom, at another Man's Pleaſure, they are bound to Deſtroy; to the effecting, actually whereof, there wants nothing but opportunity. I do not ſay, That theſe unfortunate good Biſhops, and Clergy would concurr to, or promote ſuch Butcheries; but am firmly perſuaded, that a Nature, better than their Politicks, would govern their Practices: But then it is certain, that Nature it ſelf muſt condemn their Principles, and their very Bowels render them diſobedient to their own Laws, and Civil Maxims; which, if purſued, muſt expoſe this Nation to an utter Deſtruction at K. *James*'s Pleaſure:

'Tis

'Tis necessary, therefore, that Ecclesiastical Union comport with the Civil, in order to a Just and Mutual Peace.

Dyscher. Was there no way to have healed this Rupture before it grew so wide?

Eucher. I cannot tell that; but the time assigned by the Law, and the King's long forbearance to fill the Sees after the day of Deprivation, argues a willingness in the State to give Men time to consider, and to allay their Prejudices, and use means to come under the Publick Shelter; of which the Restitution and Preferment of Dr. *Sherlock* is a clear Instance. But the Recusants seem against all Intreaties wanting to themselves, and an happy Coalition. They have made no offers, no applications, but receeded further from Sacred and Civil Communion than at first they did; which neglect must look like a contempt, at least, if not an hatred of the Constitution. Nay, I know a Diocess, where the Bishop utterly suppressed a Petition, signed by his Clergy, and ready to be presented to Their Majesties for the Restitution of the Metropolitan, the Bishop, and the Suspended Clergy of that Diocess. And I have it from a good Hand, that a Motion for such a Petition was stifled in the Lower House of Convocation, upon a Report made of my Lord Archbishop *Sancroft's* Request to the contrary. The Reasons of this Averseness did, no doubt, unto them, seem Pious and Rational; nor do I condemn them: But how far this Discharge the Clergy in their admission of new Bishops, besides the Causes Original, God must judge; and these Fathers have reason tenderly to consider, who would use, or admit no Means of continuing with us, but have left us in great Distresses, for the loss of them, whom we so much love; and for the Prejudices and Scandals, that arise upon this unhappy Occasion.

Dyscher. The state of things is very Deplorable. May the Grace of God lead us into all Truth, Wisdom, Meekness, Gentleness, Charity, and an Universal Conformity to his Holy Will in all our Actions and Sufferings; That no Evil Root of Bitterness, Consoriousness, or Schism may sowre or corrupt our Spirits, but that the Love of God may guide us in the midst of all Temptations; that at length, in this divided People, Mercy and Truth may meet together, and Righteousness and Peace may kiss each other.

Eucher. And let all the People say, *Amen, Amen.*

FINIS.